



## **United States Mission to the OSCE**

### **Statement on the Death Penalty**

As delivered by Deputy Chief of Mission Douglas Davidson  
to the Permanent Council, Vienna  
January 16, 2003

Thank you Mr. Chairman.

We take note of the statement made by the European Union, Switzerland and Norway today concerning their opposition to the death penalty in all cases, and in particular in regard to the action by the Governor of the State of Illinois which, I would note in passing, is well to the west of Vienna, in commuting 167 death sentences to prison terms of life or less. This action on the part of one of our states' governments demonstrates once again the vigorous public debate in the United States on the issue of capital punishment.

As we have said, almost weekly here during the past year in response to statements by European Union, Switzerland, Norway, and occasionally others, use of the death penalty in the United States is decided by democratically-elected governments of each of our 50 states individually. We are not of one voice on capital punishment.

Twelve states do not use capital punishment at all, either because of a statutory or judicial prohibition on use of the death penalty. Other states have announced moratoria on its use or are considering legislation to abolish the death penalty. Indeed in the year 2002, only 13 States of the 38 that have capital punishment statutes chose to exercise this ultimate sanction. In those states that do impose the death penalty, it is applied only after most rigorous adherence to strictly construed rules of substance and procedure – rules that are constantly assessed and reassessed by the courts – and only after open and fair trials and conviction by juries upon findings of guilt beyond reasonable doubt in narrowly circumscribed circumstances – which essentially amount to cases of aggravated, intentional homicide.

Thank you Mr. Chairman.